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102D CONGRESS
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SENATE

REPORT
102-120

TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO TERMINATE A RESERVATION OF USE AND OCCUPANCY AT THE BUFFALO NATIONAL RIVER; AND FOR OTHER PURPOSES

JULY 25 (legislative day, JULY 8), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 996]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 996) to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 996, as ordered reported, is to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River in Arkansas, and to refund the unused portion of the reservation fee to the holders of the reservation, Harold and Margaret Hedges, of Harrison, Arkansas.

BACKGROUND AND NEED

In 1979, the National Park Service acquired 711 acres within the boundaries of the Buffalo National River in Arkansas from Harold and Margaret Hedges. At the time of the purchase, Mr. and Mrs. Hedges retained a 25 year reservation of use and occupancy to continue living in their home and to use 45 acres of land for agricultural purposes. The purchase price paid by the Park Service was discounted by $19,148 to reflect the value of the reservation.

On January 1, 1991, the Hedges' house was completely destroyed by fire, apparently caused by arson. Although the Hedges' authority to live on the property will not expire until 2004, they would be required to rebuild the house at their own expense. Since the prop-

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erty is located in a unit of the park designated as potential wilderness it is likely that any structure built on the site would be removed at the termination of the reservation period.

S. 996 simply directs the Secretary of the Interior, upon application by Mr. and Mrs. Hedges, to terminate their reservation of use and occupancy, and to refund on a pro rata basis the unused portion of the reservation fee.

LEGISLATIVE HISTORY

S. 996 was introduced by Senator Bumpers on May 7, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on May 21, 1991.

At the business meeting on July 17, 1991, the Committee on Energy and Natural Resources ordered S. 996 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 17, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 996 as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici*	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn	

*Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the Congressional findings.

Section 2 defines certain terms used in the bill.

Section 3(a) directs the Secretary of the Interior, upon application by Harold and Margaret Hedges of Harrison, Arkansas, to terminate the Hedges' reservation of use and occupancy at the Buffalo National River in Arkansas.

Subsection (b) provides that upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of the reservation, determined on a pro rata basis.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 996, a bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on July 17, 1991. Assuming appropriation of the necessary sums, CBO estimates that enactment of this bill would result in a one-time cost of $10,000 to the federal government during fiscal year 1992. The bill would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 996 would provide for the relief of an Arkansas family, which had lived on federal property at the Buffalo National River under the terms of a standard 25-year reservation of use and occupancy. Specifically, the bill would direct the National Park Service (NPS) to terminate the 25-year reservation at the request of the family. Upon termination, the NPS would also be directed to refund the remaining value of the reservation, or about $10,000 of the $19,148 that was deducted from the property's purchase price in 1979.

Enactment of this legislation would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 996. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 996, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 13, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive views on S. 996. These reports had not been received at the time the report on S. 996 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear before you today to testify on S. 996, a bill to provide for the relief of Harold and Margaret Hedges of Harrison, Arkansas.

We do not support enactment of S. 996.

If enacted, S. 996 would direct the Secretary to terminate the reservation of use and occupancy of Mr. and Mrs. Hedges and refund the unused portion of their reservation on a pro rata basis beginning on January 1, 1991, and ending on October 25, 2004. The full value of the reservation at its execution in 1979 and that which is to be pro rated is $19,149 for both land and improvements.

Mr. Chairman, in October 1979 the Hedges elected a 25-year reservation of use and occupancy on a 3-acre homesite and an additional 42 acres of their 711-acre holdings within the Buffalo National River when they sold it to the National Park Service for $475,000 pursuant to Public Law 92-237, which authorized such reservations. On January 1, 1991, we are told, the house was destroyed by fire. They now seek a refund for the unused portion of their reservation, apparently having decided not to rebuild their house or otherwise convey their interests as the reservation permits.

Mr. Chairman, it is not unusual at Buffalo National River for the government to terminate use and occupancy reservations and purchase the remaining unused portions. Over the years since the park's establishment we estimate that we have reacquired more than ten percent of the more than 200 reservations elected. As a matter of record, on January 10, 1991, the park Superintendent offered in writing to acquire the Hedges' remaining use and occupancy reservation for $3,291.64. This figure was based on a pro rata share of the remaining value of the reservation for the land only. Due to the unfortunate loss of the residence, that portion of the original reservation has no remaining value. To now require the taxpayers to purchase something which no longer exists seems somehow unreasonable.

As a matter of fact, the government can be viewed in this case to have been the loser, in that the house which it owned by virtue of the acquisition in 1979 and of which it stood to gain possession in 2004 when the Hedges' reservation expires. At one time the govern-

ment required reservation holders to purchase insurance against such eventualities and name the government as a beneficiary. We no longer do this in most cases due to the prohibitive costs involved for the reserver.

Mr. Chairman, we have made a bona fide offer to extinguish the remaining term of the Hedges' reservation. That offer still stands. Were S. 996 to be amended to reflect this offer we would not object to its passage, in spite of the fact that the authority to enter into such an arrangement already exists.

Mr. Chairman, this concludes my testimony on this measure. I would be pleased to respond to your questions at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 996, as ordered reported.

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